

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANTS: Carey Nachenberg and Everett Lai  
APPLICATION NO.: 10/046,496  
FILING DATE: October 29, 2001 (the USPTO erroneously  
stated it to be November 29, 2001)  
TITLE: Temporal Access Control for Computer Virus  
Outbreaks  
EXAMINER: not yet known  
GROUP ART UNIT: 2153  
ATTY. DKT. NO.: 20423-05957

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS. R.C. TANG, PETITIONS ATTORNEY, c/o ASSISTANT COMMISSIONER FOR PATENTS, OFFICE OF PETITIONS, CRYSTAL PLAZA NUMBER FOUR, SUITE CP4-3C23, 2201 SOUTH CLARK PLACE, ARLINGTON, VA 22202, on the date shown below:

Dated:

July 8, 2002

By:

Edward J. Radlo

Edward J. Radlo, Reg. No. 26,793

Adjusted date: 08/07/2002 AKELLEY  
08/27/2002 INSUYEN1 00000076 10046496  
08/07/2002 AKELLEY 00000021 192553 10046496  
01-FC:122 130.00 OP  
02-FC:105 130.00 OP

MS. R.C. TANG, PETITIONS ATTORNEY  
c/o ASSISTANT COMMISSIONER FOR PATENTS  
OFFICE OF PETITIONS  
CRYSTAL PLAZA NUMBER FOUR  
SUITE CP4-3C23  
2201 SOUTH CLARK PLACE  
ARLINGTON, VA 22202

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SUPPLEMENT TO PETITION TO RESCIND NOTICE OF MISSING PARTS

Dear Ms. Tang:

On July 3, 2002, you telephoned me to ask whether I wished to make the correction of the filing date part of the Petition to Rescind Notice of Missing Parts that I mailed to the USPTO on March 14, 2002. I replied that I had already submitted

08/07/2002 AKELLEY 10046496  
08/27/2002 AKELLEY 00000021 130.00 OP  
08/07/2002 AKELLEY 00000021 192553 10046496  
01-FC:122 130.00 OP  
02-FC:105 130.00 OP

to the Office of Initial Patent Examination, Customer Service Center, USPTO, a Request for Corrected Filing Receipt on March 11, 2002 requesting that the USPTO correct the error that it had made in the filing date. Enclosed is a copy of said Request for Corrected Filing Receipt, including accompanying documentation. Also enclosed is a copy of the postcard my law firm received from the USPTO showing the erroneous filing date of November 29, 2001, rather than the correct filing date of October 29, 2001.

Please correct the filing date at the same time that you address the other issues that I presented in the Petition to Rescind Notice of Missing Parts on March 14, 2002.

The Commissioner is authorized to charge any fees required in connection with the submission of this Supplement to Petition, and to credit any overpayment, to deposit account 19-2555. This document is being submitted in duplicate.

Respectfully submitted,

date of signature:

*July 8, 2002*

Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel.: (650) 858-7142



---

Edward J. Radlo, Reg. No. 26,793  
Attorney of Record

encl.

cc: M. Noto (w/encl.)  
C. Nachenberg (w/o encl.)

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

APPLICANTS: Carey Nachenberg and Everett Lai  
APPLICATION NO.: 10/046,496  
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TITLE: Temporal Access Control for Computer Virus Outbreaks  
EXAMINER: not yet known  
GROUP ART UNIT: 2153  
ATTY. DKT. NO.: 20423-05957

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Office of Initial Patent Examination, Customer Service Center, Washington, D.C. 20231, on the date shown below:

Dated: March 11, 2002

By: Edward J. Radlo

Edward J. Radlo, Reg. No.: 26,793

COMMISSIONER FOR PATENTS  
OFFICE OF INITIAL PATENT EXAMINATION  
CUSTOMER SERVICE CENTER  
WASHINGTON, DC. 20231

**REQUEST FOR CORRECTED FILING RECEIPT**

SIR:

Enclosed is a copy of the Official Filing Receipt mailed by the USPTO on February 28, 2002. It contains the following two errors:

1. The filing date is erroneously stated as November 29, 2001. The correct filing date is October 29, 2001, as evidenced by the a) New Utility Patent Application Transmittal; and b) receipt issued by the United States Postal Service indicating that Applicants' representative did in fact deposit the package containing the application with the United States

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Postal Service on October 29, 2001. True copies of each of these documents marked, respectively, Exhibit A and Exhibit B, are enclosed.

2. The number of drawings is erroneously stated as 5. The correct number of drawings submitted is 8, as evidenced by the New Utility Patent Application Transmittal, a copy of which is enclosed.

Please issue a corrected Filing Receipt rectifying these two errors that were made by the USPTO.

Respectfully submitted,

date of signature: March 11, 2002 Edward J. Radlo  
Edward J. Radlo, Reg. No.: 26,793  
Attorney of Record

Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel.: (650) 858-7142  
Fax.: (650) 494-1417

encl.

cc: C. Nachenberg (w/encl.)  
M. Noto "



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/046,496	11/29/2001	2153	1478	20423-05957	5 8	33	9

00758  
FENWICK & WEST LLP  
TWO PALO ALTO SQUARE  
PALO ALTO, CA 94306

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MAR 04 2002

FENWICK &amp; WEST LLP

CONFIRMATION NO. 3384

## FILING RECEIPT



\*OC000000007554709\*

Date Mailed: 02/28/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Carey Nachenberg, Residence Not Provided;  
Everett Lai, Monterey Park, CA;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/282,203 04/06/2001

## Foreign Applications

If Required, Foreign Filing License Granted 02/28/2002

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

## Title

Temporal access control for computer virus outbreaks

## Preliminary Class

709

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Please type a plus sign (+) inside this box →



PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>NEW UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(only for new nonprovisional applications under 37 CFR 1.53(b))</i>	<b>Attorney Docket Number</b>	20423-05957
	<b>First Named Inventor</b>	Carey Nachenberg
	<b>Title</b>	Temporal Access Control For Computer Virus Outbreaks
	<b>Express Mail Label No.</b>	EL566298875US

APPLICATION ELEMENTS	ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 3. <input checked="" type="checkbox"/> Specification <span style="float: right;">Total Pages <span style="border: 1px solid black; padding: 0 5px;">44</span></span> <i>(preferred arrangement set forth below)</i> <input type="checkbox"/> Descriptive Title of the Invention <input type="checkbox"/> Cross Reference(s) to Related Case(s) <input type="checkbox"/> Statement Regarding Fed sponsored R & D <input type="checkbox"/> Background of the Invention <input type="checkbox"/> Brief Summary of the Invention <input type="checkbox"/> Brief Description of the Drawing(s) <input type="checkbox"/> Detailed Description <input type="checkbox"/> Claim or Claims <input type="checkbox"/> Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;">Total Sheets <span style="border: 1px solid black; padding: 0 5px;">8</span></span> 5. Oath or Declaration a. <input checked="" type="checkbox"/> Combined Declaration & <span style="float: right;">Total Pages <span style="border: 1px solid black; padding: 0 5px;">3</span></span> Power of Attorney <input checked="" type="checkbox"/> Executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s)) 8. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 9. <input type="checkbox"/> Power of Attorney or Authorization of Agent 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement 11. <input type="checkbox"/> Preliminary Amendment 12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Citation(s) 13. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent 14. <input checked="" type="checkbox"/> Return Postcard 15. <input checked="" type="checkbox"/> Limited Recognition Under 37 CFR §10.9(b) 16. <input type="checkbox"/> 17. <input type="checkbox"/>
<b>ADDRESS TO:</b>  <b>Box Patent Application Commissioner for Patents Washington, D.C. 20231</b>	

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: \_\_\_\_/\_\_\_\_

Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

#### 19. CORRESPONDENCE ADDRESS

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<b>Name (Print/Type)</b>	Jing He	<b>Registration No. (Attorney/Agent)</b>	<b>Rule 10.9(b)</b>
<b>Signature</b>		<b>Date</b>	Octob 29, 2001

EXHIBIT A

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# POST OFFICE TO ADDRESSEE



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<b>ORIGIN (POSTAL USE ONLY)</b>		
PO ZIP Code 941178	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In 10 29 01 Mo. Day Year	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 16.25
Time In 2009 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 13 lbs. 0 oz.	Int'l Alpha Country Code	COD Fee Insurance Fee
Nr Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials MC	Total Postage & Fees \$ 16.25

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Federal Agency Acct. No. or Postal Service Acct. No.	<input type="checkbox"/> <b>NO DELIVERY</b> <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday

<b>FROM: (PLEASE PRINT)</b> FENWICK & WEST LLP 2 PALO ALTO SQ STE 800 PALO ALTO CA 94306-2105 20423-05957 JH:lm 10-29-01	<b>TO: (PLEASE PRINT)</b> BOX PATENT APPLICATION COMMISSIONER FOR PATENTS XX <del>WASHINGTON</del> WASHINGTON DC 20231-0001
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www.usps.gov



EXHIBIT B

Date Mailed: October 29, 2001    Atty/Sec: JH:lm    Filing Date: Herewith

Application No.:    Docket No.: 20423-05957

Applicants: Carey Nachenberg and Everett Lai

Title: Temporal Access Control For Computer Virus Outbreaks

Please imprint Patent Office "date stamp" hereon to indicate receipt and return card to addressee.

☒ 44 pages of Specification, Claims & Abstract

☒ 8 sheets of formal drawings

☐ Provisional Application Cover Sheet

☒ New Utility Application Transmittal

☐ Transmittal

☒ Fee Transmittal (in duplicate)

☒ Combined Declaration & Power of Attorney

☒ Assignment & Recordation Cover Sheet

☐ Power of Attorney

☐ CPA Request Transmittal

☐ Application Data Sheet

☒ Check in the amount of \$ 1,518.00

☐ Amendment/Response

Other

20423/05957/DOCS/1219421.1

☒ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).

☐ Response to Notice Of Missing Parts

☐ Request to Correct Filing Receipt

☐ Request for Correction of Recorded Assignment

☐ IDS, PTO-1449, and cited references

☐ Issue Fee Transmittal

☐ Letter to Chief Draftsperson

☐ Formal Drawings: \_\_\_ sheets

☐ Request for Certificate of Correction

☒ Limited Recognition Under CFR 10.9(b)

☒ Express Mail No. EL566298875US

J1017 U.S. PTO  
10/046496  
10/29/01

J1017 U.S. PTO  
10/046496  
10/29/01